

Message Text

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72-61

ORIGIN ORM-02

INFO OCT-01 ARA-06 EUR-12 IO-13 ISO-00 DHA-02 SS-15 L-03

PRS-01 SCA-01 VO-03 NSC-05 INR-07 CIAE-00 NSAE-00

DODE-00 FBIE-00 SY-05 INSE-00 NSCE-00 /076 R

DRAFTED BY D/HA/ORM:LARTHUR:CML

APPROVED BY D/HA - JLCARLIN

D/HA/ORM - SCLOWMAN

ARA/CCA - THOLLADAY

ARA/BR - RELTZ (INFO)

----- 058581

P R 010115Z DEC 76

FM SECSTATE WASHDC

TO AMCONSUL RIO DE JANEIRO PRIORITY

INFO AMEMBASSY BRASILIA

AMEMBASSY MADRID

AMEMBASSY BUENOS AIRES

USMISSION GENEVA

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E.O. 11652: N/A

TAGS: SREF, CU, BR (PEREZ TORRES, ELISEO)

SUBJECT: CUBAN ASYLUM SEEKER

REF: RIO DE JANEIRO 4680

1. WE CONCUR WITH ACTION EMB TOOK WITH RESPECT TO RECENT CUBAN ASYLUM SEEKER. WE HAVE CONSISTENTLY HELD THE OPINION THAT ASYLUM IS THE RIGHT AND RESPONSIBILITY OF THE COUNTRY IN WHICH THE REQUEST IS MADE. BEFORE ENTERING BRAZIL, PEREZ HAD RESIDED IN SPAIN FOR 11 MONTHS. DURING THAT TIME, HE APPROACHED AMEMBASSY MADRID FOR ASSISTANCE IN ENTERING U.S. HE WAS NOT IN ANY APPARENT DANGER IN SPAIN AND WAS LIMITED OFFICIAL USE

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NOT CONSIDERED ELIGIBLE FOR POSSIBLE PAROLE AUTHORIZATION.

HE VOLUNTARILY LEFT SPAIN AND IS AGAIN SEEKING ADMISSION INTO THE U.S. WE BELIEVE HE SHOULD PURSUE ASYLUM REQUEST WITH BRAZILIAN AUTHORITIES. HE CAN ALSO SEEK ASSISTANCE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES FOR THIRD COUNTRY RESETTLEMENT IF HE DOES NOT DESIRE TO REMAIN IN BRAZIL.

2. PEREZ SHOULD BE ADVISED OF OUR POSITION IF HE RETURNS TO EMBASSY REQUESTING ENTRY INTO U.S. AS EMBASSY IS AWARE OF APPLICABILITY OF PREFERENCE CATEGORIES TO WESTERN HEMISPHERE ALIENS EFFECTIVE JANUARY 1, 1977, CUBANS APPEAR

TO BE PRIMA FACIE ELIGIBLE TO APPLY FOR SEVENTH PREFERENCE CONDITIONAL ENTRY INTO U.S. HOWEVER, INS ADMINISTERS AND PROCESSES CONDITIONAL ENTRY APPLICATIONS; PROCEDURES FOR PROCESSING SUCH APPLICATIONS IN THE WESTERN HEMISPHERE ARE STILL BEING WORKED OUT. REFERRAL OF AN APPLICANT TO A CONDITIONAL ENTRY PROCESSING POST DOES NOT "GUARANTEE" THAT SUCH AN APPLICATION WILL BE APPROVED. EMBASSY, THEREFORE, CAN INFORM PEREZ OF POSSIBILITY OF APPLYING FOR SEVENTH PREFERENCE CONDITIONAL ENTRY IF IT HAS NOT ALREADY DONE SO. ROBINSON

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